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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,787	07/13/2001	Masumi Sato	211432US2	1486
22850	7590	11/18/2003	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BRASE, SANDRA L	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,787

Applicant(s)

SATO ET AL.

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003 and 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-7 and 10-19 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/12/03 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto (JP 11-095519) in view of Yoshida et al. (US 5,602,633).

Fujimoto (...519) discloses a color image forming apparatus comprising: a transfer belt (213) which feeds a transfer member (P); a plurality of image forming units (Pa, Pb, Pc and Pd), which are disposed facing towards the transfer belt (figure 1), wherein each of the image forming units form a desired image and sequentially transfers the formed image on the transfer member fed by the transfer belt device ([0026]-[0028]); and where the transfer belt device at least in a portion in which the image forming units have been disposed is arranged such that it is inclined with respect to the ground (figure 1). Each of the image forming units includes, a rotary image carrier (222a, 222b, 222c and 222d); and a developing unit (224a, 224b, 224c and 224d) which develops a latent image formed on the image carrier with a toner is located in a lower right quadrant when the transfer belt device in the image forming unit is positioned in a lower left quadrant as viewed in an axial direction in which the image carrier is rotated (figure 1).

However, the features mentioned previously, but does not disclose that a cleaning unit of one image forming unit is partly overlapped by an adjacent developing unit of another image forming unit. Yoshida et al. (...633) disclose a plurality of image forming units, where the cleaning unit of one image forming unit is partially overlapped by an adjacent developing unit of another image forming unit such that the cleaning unit of the one image forming unit is below the developing unit of the adjacent image forming unit in the vertical direction (figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a cleaning unit of one image forming unit is partially overlapped by an adjacent developing unit of

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another image forming unit of Fujimoto (...519) since such a configuration, as disclosed by Yoshida et al. (...633), requires less space than a non-overlapping configuration.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto (JP 11-095519) in view of Yoshida et al. (US 5,602,633) as applied to claim 8 above, and further in view of Reese et al. (US 5,272,510).

Fujimoto (...519) in view of Yoshida et al. (...633) disclose the features mentioned previously, but do not disclose the claimed waste toner container. Reese et al. (...510) disclose a waste toner container (24) containing therein a waste toner recovered by a cleaning unit, where the waste toner container is located at a bottom portion of an image forming apparatus under a transfer device, and is formed into a substantial triangle in cross section (figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the claimed waste toner container so that waste toner can be easily removed from the apparatus, as disclosed by Reese et al. (...510).

Allowable Subject Matter

5. Claims 1-3, 5-7 and 10-19 are allowed.

Response to Arguments

6. Applicant's arguments filed 08/12/03 have been fully considered but they are not persuasive.

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7. Applicant argues that Yoshida et al. (US 5,602,633) do not disclose the cleaning unit of one image forming unit being below the developing unit of another image forming unit in the vertical direction, where applicant points to cleaning device 6Y and developing device 4M. However, Yoshida et al. (...633) do disclose the cleaning unit of one image forming unit being below the developing unit of another image forming unit in the vertical direction as illustrated by figure 1. The element 6Y is a cleaning blade and is merely a component of the cleaning unit, and the element 4M is a developing roller and is merely a component of the developing unit, where taking the cleaning unit as a whole, and taking the developing unit as a whole, figure 1 of Yoshida et al. (...633) illustrates that the cleaning unit of one image forming unit is arranged such that it is below the developing unit of the adjacent image forming apparatus in the vertical direction.

Contacts \ Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (703) 308-0725.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in cursive script, reading "Sandra L. Brase".

Sandra L. Brase
Primary Examiner
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November 17, 2003